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Senior Counsel:

Robert M. Biagiotti, Esq.
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Associates:
Luke Faugno, Esq.

October 17, 2024

VIA E-COURTS

Magistrate Cathy L. Waldor, U.S.M.J
Martin Luther King Bldg & US Courthouse
50 Walnut Street
Newark, New Jersey 07102

RE: **E.S. v. Essex County, et al.**
Civil Action No.: 2:21-cv-08512

Dear Judge Waldor:

Please be advised that the undersigned represents the Plaintiff, E.S., regarding the above-captioned matter. In accord with the Court's minute entries, please accept this as a status update in regard to this matter.

As this Court may recall, the Plaintiff has had extensive difficulty with defense counsel obtaining discovery.

In July, the defendant was ordered to provide more specific answers to plaintiff's request for discovery and if such was not supplied, the plaintiff was granted leave to file the appropriate motion to the Court. In response thereto, on July 12, 2024, Plaintiff did receive additional discovery from the defendant. (See attached) However, there were certain items missing from the discovery which plaintiff outlined in an e-mail dated July 15, 2024. (See attached)

On September 3, 2024 because plaintiff did not receive a response, an additional e-mail was forwarded not only requesting an immediate response but also indicating that we needed dates to depose the defendants representatives in either October or November. (See attached)

The defendant's response at that time was "Okay, I will let you know." (See attached)

On September 25, 2024, the defendant responded by e-mail that his expert was in Europe in October and thus we would be receiving dates for November. (See attached)

As of the writing of this letter, we have never received any such dates nor any response to the request for additional discovery.

The Plaintiff has avoided the filing of a motion in that the defendant did provide additional discovery in July, yet it was not complete.

It is absolutely imperative that we receive this additional discovery and we be provided dates for the defendant's deposition so that we may provide the information to our experts and render the appropriate reports.

Additionally, Mr. Ruddy has previously advised that the County of Essex is only self-insured up to \$450,000 and that there is an excess insurance policy. However, Mr. Ruddy indicated that excess insurer does not become involved until after all discovery is completed. This does not make practical sense, however, the undersigned obviously cannot control how the County of Essex handles its liability exposure.

If the Court can assist in this matter, it would be greatly appreciated.

Respectfully submitted,

FAUGNO WEIS KATCHER DUARTE, LLC

BY: /s/ Paul Faugno
Paul Faugno, Esq.

PF:jn
Cc:Alan Ruddy

Paul Faugno

From: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Sent: Friday, July 12, 2024 10:54 AM
To: Paul Faugno
Subject: FW: E.S.
Attachments: img-712104433-0001.pdf

Attached are the counties response to request for more specific answers.

-----Original Message-----

From: EssexCounty Scan <ECS@admin.essexcountynj.org>
Sent: Friday, July 12, 2024 11:45 AM
To: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Subject: Scan from a Xerox D95/D110/D125

Please open the attached document. It was scanned and sent to you using a Xerox D95/D110/D125.

Number of Images: 6
Attachment File Type: PDF

Device Name: D95 Copier-Printer
Device Location: EB Lounge

For more information on Xerox products and solutions, please visit
https://linklock.titanhq.com/analyse?url=http%3A%2F%2Fwww.xerox.com%2F&data=eJxljMsKwyAQRb9GI5KakmQzi0BptqH9gkFN2uKjllrm72vWhbM5nMtVMFwxRDn0o5ymjmvYMO8-WCzbm5xQwXEH643mx7I4__SOR0DKWh_s2qmQfTRWmBhNPSUd_iMC7ZxgxWzb5P8uwyulL-tnJu-NUoqohki9Y_MfRwOyfw%%

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Paul Faugno

From: Paul Faugno
Sent: Monday, July 15, 2024 10:19 AM
To: Alan Ruddy
Subject: ES v Essex County
Attachments: Policy and Procedures.pdf

Alan than you for additional discovery. You provided an index to the policies and procedures manual. You indicated that I should advise as to which specific provisions I need and you would provide. Please see attached index with specific sections circled that I need. Please provide promptly given the courts directives. Thank you
Paul Faugno

Paul Faugno, Esq.

FAUGNO | WEIS | KATCHER | DUARTE, LLC
235 Main Street
Hackensack, N.J. 07601
201-488-1234 - Phone
201-488-3100 - Fax

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Paul Faugno

From: Paul Faugno
Sent: Tuesday, September 3, 2024 11:26 AM
To: Alan Ruddy
Subject: FW: ES v Essex County
Attachments: Policy and Procedures.pdf

Allan Pleas quickly respond to the below so I don't need to involve court. Also provide me with various dates in October and November to depose the representative that you indicated retired yet would be available for a deposition. Thank you Paul Faugno

From: Paul Faugno
Sent: Monday, July 15, 2024 10:19 AM
To: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Subject: ES v Essex County

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Paul Faugno, Esq.

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Paul Faugno

From: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Sent: Tuesday, September 3, 2024 11:28 AM
To: Paul Faugno
Subject: Re: ES v Essex County

Ok, I will let you know.

From: Paul Faugno <Paul@fwkdlaw.com>
Sent: Tuesday, September 3, 2024 11:26 AM
To: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Subject: FW: ES v Essex County

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Paul Faugno, Esq.

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Paul Faugno

From: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Sent: Wednesday, September 25, 2024 3:18 PM
To: Paul Faugno
Subject: RE: ES v Essex

My witness previously told me that he is generally available in November except for possible medical appointments. He is in Europe for October for wedding of daughter . I am not in office
Now. Tomorrow I will give you several dates in November that are good for me. you can send me some dates too and I will contact him.

From: Paul Faugno <Paul@fwkdlaw.com>
Sent: Wednesday, September 25, 2024 1:26 PM
To: Alan Ruddy <aruddy@counsel.essexcountynj.org>
Subject: ES v Essex

Allan I need dates for the deposition if I don't hear back I will just pick date and notice it. Paul

Paul Faugno, Esq.

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